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Anthony Giarratano

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN DOE 1, JOHN DOE 2, JOHN DOE 3,
JOHN DOE 4, JOHN DOE 5, JOHN DOE 6,
JOHN DOE 7, JOHN DOE 8, JOHN DOE 9,
JOHN DOE 10, JOHN DOE 11, JOHN DOE
12, JOHN DOE 13, and JOHN DOE 14,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

THE UNIVERSITY OF SAN FRANCISCO,
ANTHONY N. (AKA NINO) GIARRATANO,
and TROY NAKAMURA,

Defendant.

Case No.: 3:22-cv-01559-LB

**STIPULATION REGARDING THE
DEFENDANTS' DEADLINE TO
RESPOND TO THIRD AMENDED
CLASS ACTION COMPLAINT OR
POTENTIAL FOURTH AMENDED
CLASS ACTION COMPLAINT**

Pursuant to Civ. L.R. 6-1 and 7-12, Plaintiffs John Does 1 through 14 (“Plaintiffs”), the University of San Francisco (“USF”), and Anthony Giarratano and Troy Nakamura (collectively, “Coach Defendants” and with USF “Defendants”) hereby stipulate as follows:

STIPULATION

WHEREAS, on August 30, 2023, Plaintiffs filed their 125-page Third Amended Class Action Complaint in this action;

WHEREAS, the Defendants’ current deadline to respond to the Third Amended Class Action Complaint is September 13, 2023, see Dkt. 133;

WHEREAS, USF plans to move to dismiss the Third Amended Class Action Complaint;

WHEREAS, in order to effectuate a more orderly and efficient progression of the litigation, the parties have agreed that Coach Defendants’ response to the operative pleading will be due twenty days from date of the Court’s ruling on USF’s motion to dismiss (“the Ruling”) or the deadline stated in the Ruling for USF’s response; and

WHEREAS, the parties agree that USF’s response to the operative pleading will be due twenty days from the Ruling or twenty days from the filing of the Fourth Amended Class Action Complaint, unless the Court sets a deadline for USF’s response in the Ruling.

THEREFORE, the Parties hereby stipulate and agree as follows:

Coach Defendants shall answer or otherwise respond to the Third Amended Class Action Complaint or any amended complaint arising from the Ruling (i.e., Fourth Amended Class Action Complaint, if any is filed) no later than twenty days from the Ruling or any deadline stated in the Ruling for USF’s response;

If the Court denies USF’s motion to dismiss, USF shall answer the Third Amended Class Action Complaint no later than twenty days after the Ruling, or by any deadline set for USF’s response in the Ruling. If the Court grants USF’s motion and Plaintiffs file a Fourth Amended Class Action Complaint, USF’s response to that pleading will be due twenty days after that filing, unless the Court sets a different deadline in its Ruling.

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1 SO STIPULATED.

2 Dated: September 12, 2023

Respectfully submitted,

3 FUTTERMAN DUPREE DODD CROLEY MAIER LLP

4 By: /s/ Daniel A. Croley

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Anthony Giarratano

10 Dated: September 12, 2023

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18 Dated: September 12, 2023

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26 *Attorneys for Plaintiffs and*
27 *the Proposed Class*

28 Dated: September 12, 2023

SCOTT RAPKIN

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1 Dated: September 12, 2023

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11 The University of San Francisco

12 **ATTESTATION**

13 I hereby attest, pursuant to Northern District of California, Local Rule 5-1(h)(3) that
14 concurrence to the filing of this document has been obtained from each signatory hereto.

15 Dated: September 12, 2023

FUTTERMAN DUPREE DODD CROLEY MAIER LLP

16 By: /s/ Daniel A. Croley

17 Daniel A. Croley
18 *Attorneys for Defendant*
19 Anthony Giarratano

20 **ORDER**

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 DATED

23 HON. LAUREL BEELER
24 UNITED STATES MAGISTRATE JUDGE